



March 18, 2015

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## ENGROSSED HOUSE BILL No. 1456

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DIGEST OF HB 1456 (Updated March 17, 2015 10:02 am - DI 109)

**Citations Affected:** IC 6-1.1; IC 10-16; IC 33-23.

**Synopsis:** Servicemembers civil relief act. Creates the servicemembers civil relief act. Provides that protections under Indiana's civil relief act supplement protections for servicemembers under the federal servicemembers civil relief act. Sets forth duties for the Indiana National Guard regarding information to be posted on its Internet web site concerning the servicemembers civil relief act.

**Effective:** July 1, 2015.

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**Zent, Moseley, Carbaugh, Frye R,  
Arnold L, Gutwein, Judy, Lucas,  
DeLaney, Harris, Kersey, Pelath,  
Baird, Price, Soliday**

(SENATE SPONSORS — GLICK, BANKS A)

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January 14, 2015, read first time and referred to Committee on Judiciary.

January 27, 2015, amended, reported — Do Pass.

January 29, 2015, read second time, amended, ordered engrossed.

January 30, 2015, engrossed.

February 2, 2015, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Veterans Affairs & The Military.

March 17, 2015, reported favorably — Do Pass.

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EH 1456—LS 7071/DI 123





March 18, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1456

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 6-1.1-37-7, AS AMENDED BY P.L.80-2014,  
2       SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 7. (a) If a person fails to file a required personal  
4       property return on or before the due date, the county auditor shall add  
5       a penalty of twenty-five dollars (\$25) to the person's next property tax  
6       installment. The county auditor shall also add an additional penalty to  
7       the taxes payable by the person if the person fails to file the personal  
8       property return within thirty (30) days after the due date. The amount  
9       of the additional penalty is twenty percent (20%) of the taxes finally  
10      determined to be due with respect to the personal property which  
11      should have been reported on the return.  
12      (b) For purposes of this section, a personal property return is not due  
13      until the expiration of any extension period granted by the township or  
14      county assessor under IC 6-1.1-3-7(b).  
15      (c) The penalties prescribed under this section do not apply to an

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individual or the individual's dependents if the individual:

(1) is in the military or naval forces of the United States on the assessment date; and

(2) is covered by the federal ~~Soldiers' and Sailors' Civil Relief Act~~ **Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)**.

(d) If a person subject to IC 6-1.1-3-7(d) fails to include on a personal property return the information, if any, that the department of local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the county auditor shall add a penalty to the property tax installment next due for the return. The amount of the penalty is twenty-five dollars (\$25).

(e) If the total assessed value that a person reports on a personal property return is less than the total assessed value that the person is required by law to report and if the amount of the undervaluation exceeds five percent (5%) of the value that should have been reported on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) If a person required by IC 6-1.1-3-7.2(k) to file an annual certification with the county assessor fails to timely file the annual certification, the county auditor shall impose a penalty of twenty-five dollars (\$25) that must be paid by the person with the next property tax installment that is collected.

(g) A penalty is due with an installment under subsection (a), (d), (e), or (f) whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment.

SECTION 2. IC 10-16-6-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13. The Indiana National Guard shall:**

(1) **provide a list of individuals on its Internet web site that can be searched or checked to determine whether an individual is a member of the Indiana National Guard ordered to state active duty for at least thirty (30) consecutive days as required by IC 10-16-7-23(c); and**

(2) **provide a list of the rights a servicemember or a**



**servicemember's dependent has under the state and federal  
servicemembers civil relief acts.**

SECTION 3. IC 10-16-7-23 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) As used in this  
section, "active duty" means:

- (1) training or duty under federal law; or
- (2) state active duty under section 7 of this chapter;

performed under an order of the governor.

(b) The rights, benefits, and protections of the federal ~~Soldiers' and  
Sailors' Civil Relief Act~~ **Servicemembers Civil Relief Act**, 50 U.S.C.  
App. 501 et seq., ~~as amended and in effect on January 1, 2003~~, apply  
to a member of the Indiana national guard ordered to active duty for at  
least thirty (30) consecutive days.

(c) **With respect to a member of the Indiana National Guard  
ordered to state active duty, a person is not subject to remedies and  
penalties under this section or IC 10-16-20 for failure to comply  
with the federal Servicemembers Civil Relief Act, 50 U.S.C. App.  
501 et seq., unless:**

- (1) **the member provides documentation to the person that the  
member is a member of the Indiana National Guard ordered  
to state active duty for at least thirty (30) consecutive days; or**
- (2) **the Indiana National Guard provides a list on its Internet  
web site that can be searched or checked to determine  
whether an individual is a member of the Indiana National  
Guard ordered to state active duty for at least thirty (30)  
consecutive days.**

~~(c)~~ (d) The rights, benefits, and protections of the federal Uniformed  
Services Employment and Reemployment Rights Act, 38 U.S.C. 4301  
et seq., as amended and in effect on January 1, 2003, apply to a  
member of the Indiana national guard ordered to active duty.

~~(d)~~ (e) Nothing in this section shall be construed as a restriction or  
limitation on any of the rights, benefits, and protections granted to a  
member of the Indiana national guard under federal law.

SECTION 4. IC 10-16-20 IS ADDED TO THE INDIANA CODE  
AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2015]:

#### **Chapter 20. Servicemembers Civil Relief Act**

**Sec. 1. This chapter is intended to supplement rights and  
protections provided in the federal Servicemembers Civil Relief  
Act (50 U.S.C. App. 501 et seq.).**

**Sec. 2. The following definitions apply throughout this chapter:**

- (1) **"Military service" means:**



(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:

- (i) full-time training duty;
- (ii) annual training duty; and
- (iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;

(B) in the case of a member of the Indiana National Guard, service under a call to active:

- (i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or
- (ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;

(C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; or

(D) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) "Servicemember" means an individual engaged in military service.

Sec. 3. The dependent of a servicemember has the same rights and protections provided to a servicemember under Title II of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 521 through 527).

Sec. 4. (a) In addition to the rights and protections regarding consumer transactions, contracts, and service providers included in Title III of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 531 through 538), a servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of service of at least ninety (90) days to a location that does not support the contract.

(b) This section applies to a contract to provide any of the following:

- (1) Telecommunication services.
- (2) Internet services.



(3) Television services.

(4) Athletic club or gym memberships.

(5) Satellite radio services.

(c) Termination of a contract must be made by delivery of a written or electronic notice of the termination and a copy of the servicemember's military orders to the service provider. If a servicemember terminates a contract, the service provider shall provide the servicemember with a written or electronic notice of the servicemember's rights posted on the Indiana National Guard's Internet web site as required by IC 10-16-6-13.

(d) For any contract terminated under this section, the service provider under the contract may not impose an early termination charge.

(e) Any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid at the time of termination of the contract shall be paid by the servicemember.

(f) If the servicemember resubscribes to the service provided under a contract described in subsection (b) that was terminated under this chapter during the ninety (90) day period immediately following when the servicemember has returned from service, the service provider may not impose any charges or services fees, other than the usual and customary charges and fees for the installation or acquisition of customer equipment imposed on any other subscriber.

(g) Not later than sixty (60) days after the effective date of the termination of a contract described in subsection (b), the service provider under the contract shall refund to the servicemember all fees paid for services that extend past the termination date of the contract.

**Sec. 5. A civil action to enforce this chapter or IC 10-16-7-23 may be brought in any court with jurisdiction by the attorney general against any person that knowingly or intentionally violates any provision of this chapter. However, a civil action may not proceed if relief from the violation has already been granted under the federal Servicemembers Civil Relief Act.**

SECTION 5. IC 33-23-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An Indiana state court may grant the rights, benefits, and protections described in Section 513 of the federal ~~Soldiers' and Sailors' Civil Relief Act~~ **Servicemembers Civil Relief Act**, 50 U.S.C. App. ~~513~~ **501 et seq.**, as amended and in effect on January 1, 2003, to a person primarily or



1 secondarily liable on an obligation or a liability of an Indiana national  
2 guard member to whom IC 10-16-7-23 applies.

3 (b) All rights, benefits, and protections granted to a person under  
4 subsection (a) are in addition to the rights, benefits, and protections  
5 granted the person under the federal ~~Soldiers' and Sailors' Civil Relief~~  
6 ~~Act Servicemembers Civil Relief Act~~, 50 U.S.C. App. 501 et seq. as  
7 ~~amended and in effect on January 1, 2003.~~





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1456, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete Amendment 2 adopted on January 20, 2015.

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 2. IC 10-16-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13. The Indiana National Guard shall:**

**(1) provide a list of individuals on its Internet web site that can be searched or checked to determine whether an individual is a member of the Indiana National Guard ordered to state active duty for at least thirty (30) consecutive days as required by IC 10-16-7-23(c); and**

**(2) provide a list of the rights a servicemember or a servicemember's dependent has under the state and federal servicemembers civil relief acts."**

Page 3, between lines 2 and 3, begin a new paragraph and insert:

**"(c) With respect to a member of the Indiana National Guard ordered to state active duty, a person is not subject to remedies and penalties under this section or IC 10-16-20 for failure to comply with the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., unless:**

**(1) the member provides documentation to the person that the member is a member of the Indiana National Guard ordered to state active duty for at least thirty (30) consecutive days; or**

**(2) the Indiana National Guard provides a list on its Internet web site that can be searched or checked to determine whether an individual is a member of the Indiana National Guard ordered to state active duty for at least thirty (30) consecutive days."**

Page 3, line 3, strike "(c)" and insert "(d)".

Page 3, line 7, strike "(d)" and insert "(e)".

Page 3, delete lines 18 through 30.

Page 3, line 31, delete "(4)" and insert "(1)".

Page 3, line 38, delete ";".

Page 3, run in lines 38 through 39.

Page 3, line 42, after "of the" insert "Indiana".

Page 4, line 1, delete "active" and insert "active:

**(i)".**

Page 4, line 5, delete ";" and insert "; or

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**(ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;".**

Page 4, delete lines 9 through 11.

Page 4, line 12, delete "(E)" and insert "**(D)**".

Page 4, delete lines 15 through 39, begin a new line block indented and insert:

**"(2) "Servicemember" means an individual engaged in military service."**

Page 4, line 42, delete "501" and insert "**521 through 527**".

Page 5, delete lines 1 through 20.

Page 5, line 24, delete "501 et seq.)," and insert "**531 through 538**),".

Page 5, line 41, delete "." and insert "**posted on the Indiana National Guard's Internet web site as required by IC 10-16-6-13**".

Page 6, line 2, delete "charge, but any tax or" and insert "**charge. (e) Any tax or**".

Page 6, line 4, delete "or unperformed".

Page 6, line 5, delete "or performed".

Page 6, line 7, delete "covered".

Page 6, line 7, after "contract" insert "**described in subsection (b) that was terminated under this chapter**".

Page 6, line 7, after "period" insert "**immediately following when the servicemember has returned from service**",.

Page 6, delete line 8.

Page 6, line 9, delete "involving relocation",.

Page 6, line 9, delete "a charge" and insert "**any charges or services fees**",.

Page 6, line 10, delete "or reinstating service fee",.

Page 6, line 14, delete "under this section," and insert "**described in subsection (b)**",.

Page 6, line 15, delete "any fee or" and insert "**all fees paid for services that extend past the termination date of the contract**".

Page 6, delete lines 16 through 18.

Page 6, line 19, after "chapter" insert "**or IC 10-16-7-23**".

Page 6, line 19, after "brought" insert "**in any court with jurisdiction**".

Page 6, line 20, after "that" insert "**knowingly or intentionally**".

Page 6, line 22, delete "." and insert "**under the federal**".



**Servicemembers Civil Relief Act."**

Page 6, line 26, reset in roman "513".

Page 6, line 26, delete "103".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1456 as introduced.)

STEUERWALD

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1456 be amended to read as follows:

Page 4, line 20, after "service;" insert "**or**".

Page 4, line 26, delete "(a)".

Page 5, line 17, delete "(e)" and insert "**(f)**".

Page 5, line 25, delete "(f)" and insert "**(g)**".

(Reference is to HB 1456 as printed January 27, 2015.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs & The Military, to which was referred House Bill No. 1456, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1456 as reprinted January 30, 2015.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0

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